

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re

YEVGENI OSTROVSKI,

Debtor.

No. 13-11547

OBJECTION TO AMENDED  
EXEMPTIONS

Edmund J. Wood, the Chapter 7 Trustee herein, by and through the undersigned attorney,  
hereby objects to the amended exemptions of the debtor as described below:

1. To the extent that the debtor is attempting to claim an exemption in excess of the  
value permitted by federal or state law, the Trustee objects to the assertion of such an exemption;

2. To the extent that the debtor is attempting to claim an exemption for property for  
which no exemption is permitted under federal or state law, the Trustee objects to the assertion  
of such an exemption, including but not limited to the debtor's claim of a \$125,000.00  
exemption pursuant to RCW 6.13.030 in the property located at 3434 97<sup>th</sup> Ave SE, Mercer  
Island, WA, where on the date of filing<sup>1</sup> the debtor had no equity<sup>2</sup> in said property and the equity  
now claimed exempt arises from post-petition appreciation, which inures to the benefit of the  
estate<sup>3</sup>, not the debtor;

<sup>1</sup> Exemptions are determined as of the Bankruptcy Petition filing date. See *Wolf vs. Salven (In re Wolf)*, 248 B.R. 365, 367 (B.A.P. 9<sup>th</sup> Cir. 2000), and cases cited therein.

<sup>2</sup> RCW 6.13.010 defines "net value" as market value less all liens and encumbrances. Here, the debtor's scheduled value was \$445,000.00, less scheduled consensual liens in the aggregate amount of \$378,148.31, equals a "net value" (or maximum exemption amount) of \$66,851.69.

<sup>3</sup> *In re Wilson*, Bk. No. 13-20904, Docket No. 160.

KATHRYN A. ELLIS, ESQ.  
5506 6<sup>th</sup> Ave S  
Suite 207  
Seattle, WA 98108  
(206) 682-5002

OBJECTION TO AMENDED EXEMPTIONS - 1

3. To the extent that the debtor does not describe an asset or other item of property for which an exemption is claimed with particularity, the Trustee objects to the assertion of such an exemption;

4. To the extent that the actual value of an asset exceeds the valuation of the asset by the debtor, the Trustee objects to the claim of any exemption; and

5. To the extent that the debtor has not provided information and/or documentation to the Trustee and/or have failed to cooperate with the Trustee regarding the investigation of his financial affairs and/or concealed any property, the Trustee objects to any claims of exemption by the debtor.

The Trustee is objecting, in part, to preserve his rights to object pending receipt of more information about the debtor's assets. The Trustee reserves the right to assert any other basis for his objection or otherwise amend this objection as he may determine to be appropriate at a later date.

DATED this 8<sup>th</sup> day of February, 2018.

By: /s/ Kathryn A. Ellis  
Kathryn A. Ellis, WSBA #14333  
Attorney for Trustee

C:\Shared\KAE\Dox\Ostrovski\amend\_exempt\_obj.wpd

## OBJECTION TO AMENDED EXEMPTIONS - 2

KATHRYN A. ELLIS, ESQ.  
5506 6<sup>th</sup> Ave S  
Suite 207  
Seattle, WA 98108  
(206) 682-5002